

**IC 20**

**TITLE 20. EDUCATION**

**IC 20-1**

**ARTICLE 1. DEPARTMENT OF EDUCATION;  
STATE ADMINISTRATION OF ELEMENTARY AND  
SECONDARY SCHOOLS**

**IC 20-1-1**

**Chapter 1. Powers and Duties of State Board of Education**

**IC 20-1-1-1**

**Establishment of board; membership; advisory committees;  
meetings; hearing examiners**

Sec. 1. (a) The Indiana state board of education is established. The board shall consist of ten (10) members appointed by the governor and the state superintendent of public instruction. Of the ten (10) members appointed by the governor, a minimum of four (4) members must be persons who are actively employed in the schools in Indiana and who hold a valid teaching license. At least one (1) member must be appointed from each congressional district in Indiana. No more than six (6) members of the board may be appointed from the membership of any one (1) political party. A quorum consists of six (6) members of the board, and an action of the board is not official unless it is authorized by at least six (6) members. The superintendent of public instruction shall serve as chairman of the board. Appointed board members shall serve for a term of four (4) years, unless dismissed before the expiration of four (4) years by the governor for just cause. Any appointment to fill a vacancy occurring on the board shall be for the unexpired term.

(b) The superintendent of public instruction shall appoint six (6) persons who shall serve on the advisory committee on textbook adoption. The state superintendent of public instruction or his designee shall serve as a voting member of the committee. At least four (4) of the members of the advisory committee on textbook adoptions shall be actively employed in the schools in Indiana and hold a valid teaching license. No more than four (4) of the members of the committee may be appointed from the membership of any one (1) political party. The state superintendent or his designee shall serve as chairman of the committee. Committee members shall serve at the pleasure of the superintendent of public instruction.

(c) The board and the committee shall meet at such times as they determine. The terms of office of the appointive members of the board shall commence on July 1.

(d) The board may establish other advisory committees as necessary to provide technical and professional assistance to the board.

(e) Whenever the board is required to conduct hearings under IC 4-21.5-3, the board may use hearing examiners who are not

members of the board to conduct the hearings.  
*(Formerly: Acts 1945, c.330, s.1; Acts 1975, P.L.227, SEC.3.) As amended by P.L.20-1984, SEC.22; P.L.189-1985, SEC.1; P.L.7-1987, SEC.90; P.L.46-1992, SEC.4.*

**IC 20-1-1-2 Repealed**

*(Repealed by P.L.20-1984, SEC.202.)*

**IC 20-1-1-3**

**Repealed**

*(Repealed by P.L.20-1984, SEC.202.)*

**IC 20-1-1-4**

**Repealed**

*(Repealed by P.L.20-1984, SEC.202.)*

**IC 20-1-1-5**

**Secretary; powers and duties; seal; compensation of board or commission members**

Sec. 5. (a) The board shall elect one (1) of its members to serve as secretary, who shall have the custody of its records, papers, and effects, and shall keep minutes of its proceedings. The records, papers, effects, and minutes of all meetings and actions of the board shall be kept at the office of the state superintendent of public instruction and shall be open for public inspection. The board shall adopt and use a seal, on the face of which shall be the words "Indiana State Board of Education". A written description of the seal shall be recorded on the minutes of the board and filed in the office of the secretary of state. The seal shall be used for the authentication of the acts of the board and the important acts of the state department of education.

(b) Appointive members of the board who are not officers or employees of the state are entitled to an annual salary of two thousand dollars (\$2,000). Appointive members of the advisory committees who are not officers or employees of the state are entitled to the minimum salary per diem provided in IC 4-10-11-2.1(b) while performing their respective duties as committee members. All members of the board or committees are entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with their duties as board or committee members, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency. The compensation of members employed in the public schools shall not be decreased because of regular service on the board or on one of the committees.

*(Formerly: Acts 1945, c.330, s.5.) As amended by P.L.20-1984, SEC.23.*

**IC 20-1-1-6**

**Rules; scope**

Sec. 6. (a) In addition to any other powers and duties prescribed by law, the Indiana state board of education shall adopt rules under IC 4-22-2 concerning but not limited to the following matters:

(1) The designation and employment of the employees and consultants necessary for the department. The board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor as provided for by IC 4-12-2.

(2) The establishment and maintenance of standards and guidelines, other than building, space, and site requirements, for media centers, libraries, instructional materials centers, or any other area or system of areas in the school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school community. With regard to library automation systems, the state board may only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).

(3) The establishment and maintenance of standards for pupil personnel and guidance services.

(4) The establishment and maintenance of minimum standards for driver education programs (including classroom instruction and practice driving) and equipment. Beginning with classroom instruction for the 1993-1994 school year, classroom instruction standards established under this subdivision must include instruction about:

(A) railroad-highway grade crossing safety; and

(B) the procedure for participation in the human organ donor program.

(5) The inspection of all public schools of the state for the purpose of determining the condition of the schools. The board shall establish standards governing the accreditation of public schools. Observance of:

(A) IC 20-1-1.2;

(B) IC 20-6.1-3-2;

(C) IC 20-6.1-4-4 through IC 20-6.1-4-8;

(D) IC 20-6.1-5-4;

(E) IC 20-6.1-5-5;

(F) IC 20-6.1-9; and

(G) IC 20-10.1-16 and IC 20-10.1-17;

is a prerequisite to the accreditation of a school. It shall be the duty of local public school officials to make such reports as shall be required of them and to otherwise cooperate with the board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes should they desire it. Compliance with the building and site guidelines adopted by the Indiana state board of education is not a prerequisite of accreditation.

(6) Subject to subsections (b) and (c), the adoption and approval of textbooks under IC 20-10.1-9.

(7) The distribution of funds and revenues appropriated for the support of schools in the state.

(8) The board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools.

(9) A separate system for recognizing nonpublic schools under IC 20-1-1-6.2. Recognition of nonpublic schools under this subdivision constitutes the system of regulatory standards that apply to nonpublic schools that seek to qualify for the system of recognition.

(b) The advisory committee on textbook adoption may initiate rules and hold public hearings under IC 4-22-2 on rules concerning the adoption of textbooks. The advisory committee shall send a proposed rule on which public hearings have been held to the board. The board may adopt or reject a rule initiated by the advisory committee. If the advisory committee holds hearings on a proposed rule, the board is not required to hold hearings.

(c) Every rule initiated by the board concerning textbook adoption shall be sent to the advisory committee on textbook adoption. Upon receipt of a rule initiated by the board, an advisory committee may hold public hearings on the rule. Whenever an advisory committee holds a public hearing on a rule initiated by the board, it shall send the proposed rule and a recommendation to the board within ninety (90) days after it receives the rule from the board. If the advisory committee fails to hold a hearing or to return the proposed rule with a recommendation to the board within the ninety (90) day period, the board may hold public hearings on the proposed rule and proceed under IC 4-22-2 or may discontinue the proceedings. Whenever the advisory committee holds hearings on a proposed rule, the board is not required to do so.

(d) Before final adoption of any rule, the board shall make a finding on the estimated fiscal impact that the rule will have on local school corporations.

*(Formerly: Acts 1972, P.L.157, SEC.1; Acts 1973, P.L.209, SEC.1; Acts 1975, P.L.226, SEC.1.) As amended by Acts 1976, P.L.100, SEC.3; Acts 1978, P.L.106, SEC.1; Acts 1980, P.L.143, SEC.1; Acts 1981, P.L.167, SEC.4; P.L.8-1984, SEC.29; P.L.20-1984, SEC.24; P.L.215-1987, SEC.1; P.L.390-1987(ss), SEC.45; P.L.52-1990, SEC.2; P.L.2-1992, SEC.686; P.L.46-1992, SEC.5; P.L.19-1992, SEC.3; P.L.25-1992, SEC.6; P.L.103-1992, SEC.1; P.L.1-1993, SEC.171; P.L.187-1993, SEC.1; P.L.38-1993, SEC.3; P.L.340-1995, SEC.43; P.L.25-1995, SEC.60; P.L.195-1995, SEC.1; P.L.2-1996, SEC.257; P.L.291-2001, SEC.171.*

#### **IC 20-1-1-6.1**

##### **Repealed**

*(Repealed by P.L.152-1996, SEC.8.)*

#### **IC 20-1-1-6.2**

**Policy; recognition of educational programs of nonpublic schools;**

**accreditation**

Sec. 6.2. (a) It is the policy of the state that:

- (1) the state recognizes that nonpublic schools provide education to children in Indiana;
- (2) the state has an interest in ensuring that all Indiana children are well-educated in both curricular and extracurricular programs; and
- (3) the state should facilitate the transferability of comparable academic credit between appropriate nonpublic schools and state supported educational institutions.

(b) Beginning with the 1991-92 school year, the board shall implement a system of recognition of the educational programs of nonpublic schools to fulfill the policy set forth in subdivision (a).

(c) The system of recognition described under subsection (b):

- (1) must be voluntary in nature by the nonpublic school;
- (2) must recognize the characteristics that distinguish nonpublic schools from public schools; and
- (3) must be a recognition system that is separate from the accreditation standards required of public schools and available to nonpublic schools under section 6(a)(5) of this chapter.

(d) This section does not prohibit a nonpublic school from seeking accreditation under section 6(a)(5) of this chapter.

(e) The board shall adopt rules under IC 4-22-2 to implement this section.

*As added by P.L. 52-1990, SEC.3. Amended by P.L. 25-1995, SEC.61.*

**IC 20-1-1-6.3****Indiana school academic improvement plan; establishment; funds; rules**

Sec. 6.3. (a) As used in this section, "governing body" refers to the governing body of a school corporation.

(b) As used in this section, "plan" refers to a strategic and continuous school improvement and achievement plan developed under IC 20-10.2-3.

(c) A plan must conform to the requirements of IC 20-10.2-3 and include a professional development program that conforms to section 6.5 of this chapter.

(d) The governing body may do the following for a school that participates in a plan:

- (1) Invoke a waiver of any rule adopted by the board in accordance with IC 20-10.2-3-4(b).
- (2) Develop a plan for the admission of students to the school who do not reside in the school's attendance area but who have legal settlement within the school corporation.

(e) In approving school corporations under this section, the board shall consider whether the governing body has done the following:

- (1) Approved a school's plan.
- (2) Demonstrated the support of the exclusive representative only for the professional development program component of the plan.

(f) The board may waive any statute or rule relating to curriculum or textbook selection on behalf of a school in accordance with IC 20-10.2-3-4(c).

(g) As part of the plan, the governing body may develop and implement a policy to do the following:

(1) Allow for the transfer of a student who resides in the school's attendance area but whose parent or legal guardian requests that the student attend another school within the school corporation of legal settlement.

(2) Inform parents of their rights under this section.

(h) The board shall adopt rules under IC 4-22-2 to implement this section.

*As added by P.L.240-1991(ss2), SEC.76. Amended by P.L.151-1996, SEC.1; P.L.221-1999, SEC.1; P.L.14-2000, SEC.46.*

#### **IC 20-1-1-6.4**

##### **Adoption of guidelines on selection of school sites and construction, alteration, and repair of school buildings; plans and specifications approval process**

Sec. 6.4. (a) The Indiana state board of education shall adopt nonbinding guidelines on the selection of school sites and the construction, alteration, and repair of school buildings. The nonbinding guidelines shall describe preferred location and building practices for school corporations, including standards for enhancing health, energy efficiency, cost efficiency, and instructional efficacy. The nonbinding guidelines may include guidelines concerning minimum acreage, cost per square foot, and per student square footage.

(b) The Indiana state board of education shall annually compile, in a document capable of easy revision, the guidelines described in subsection (a) and the rules of the fire prevention and building safety commission and the state department of health that govern site selection and the construction, alteration, and repair of school buildings.

(c) Before submitting its completed written plans and specifications for the selection of a school building site or the construction or alteration of a school building to the state building commissioner for issuance of a design release under IC 22-15-3, the school corporation shall:

(1) issue a public document that describes any material differences between the plans and specifications prepared by the school corporation and the guidelines adopted under subsection (a), as determined under the guidelines adopted by the Indiana state board of education; and

(2) after publishing a notice of the public hearing under IC 5-3-1, conduct a public hearing to receive public comment concerning the school corporation's plans and specifications.

After the public hearing and without conducting another public hearing under this subsection, the governing body may revise the plans and specifications or submit the plans and specifications to the

state building commissioner without making changes. The school corporation shall revise the public document described in subdivision (1) to identify any changes in the plans and specifications after the public document's initial preparation.

*As added by P.L.25-1995, SEC.62. Amended by P.L.152-1996, SEC.1.*

#### **IC 20-1-1-6.5**

##### **School corporations; accredited private schools; professional development programs; grants**

Sec. 6.5. (a) As used in this section, "board" refers to the state board of education established under section 1 of this chapter.

(b) As used in this section, "department" refers to the department of education established under IC 20-1-1.1-2.

(c) As used in this section, "governing body" has the meaning set forth in IC 20-10.1-1-5.

(d) As used in this section, "plan" refers to an Indiana school academic plan established under section 6.3 of this chapter.

(e) As used in this section, "program" refers to a professional development program.

(f) As used in this section, "school" includes the following:

(1) A public school.

(2) A nonpublic school that has voluntarily become accredited under section 6 of this chapter.

(g) As used in this section, "superintendent" has the meaning set forth in IC 20-10.1-1-6.

(h) A school shall develop a program as a component of a plan established by the school.

(i) The following apply to a program developed under this section:

(1) The program must emphasize improvement of student learning and performance.

(2) The program must be developed by the committee that develops the school's strategic and continuous improvement and achievement plan under IC 20-10.2-3-1.

(3) The program must be integrated with the school's strategic and continuous improvement and achievement plan developed under IC 20-10.2-3.

(j) A school committee shall submit the school's program to the superintendent for the superintendent's review. The superintendent:

(1) shall review the plan to ensure that the program aligns with the school corporation's objectives, goals, and expectations;

(2) may make written recommendations of modifications to the program to ensure alignment; and

(3) shall return the program and any recommendations to the school committee.

(k) A school committee may modify the program to comply with recommendations made by the superintendent under subsection (j).

(l) A school committee shall submit the program as part of its plan to the governing body. The governing body shall:

(1) approve or reject the program as part of the plan; and

(2) submit the program to the board as part of the plan for the school.

(m) The board may approve a school's program only if the program meets the board's core principles for professional development and the following additional criteria:

(1) To ensure high quality professional development, the program:

(A) is school based and collaboratively designed, and encourages participants to work collaboratively;

(B) has a primary focus on state and local academic standards, including a focus on Core 40 subject areas;

(C) enables teachers to improve expertise in subject knowledge and teaching strategies, uses of technologies, and other essential elements in teaching to high standards;

(D) furthers the alignment of standards, curriculum, and assessments; and

(E) includes measurement activities to ensure the transfer of new knowledge and skills to classroom instruction.

(2) A variety of resources, including needs assessments, an analysis of data regarding student learning needs, professional literature, research, and school improvement programs, are used in developing the program.

(3) The program supports professional development for all stakeholders.

(4) The program includes ongoing professional growth experiences that provide adequate time and job embedded opportunities to support school improvement and student learning, including flexible time for professional development that provides professional development opportunities before, during, and after the regular school day and school year.

(5) Under the program, teacher time for professional development sustains instructional coherence, participant involvement, and continuity for students.

(6) The program includes effective, research based strategies to support ongoing developmental activities.

(7) The program supports experiences to increase the effective use of technology to improve teaching and learning.

(8) The program encourages diverse techniques, including inquiry, reflection, action research, networking, study groups, coaching, and evaluation.

(9) The program includes a means for evaluating the effectiveness of the program and activities under the program.

(n) The board shall approve an evaluation system for professional development based on recommendations from the department and the professional standards board. The department shall develop a means for measuring successful programs and activities in which schools participate. The measurements must include the following:

(1) A mechanism to identify and develop strategies to collect multiple forms of data that reflect the achievement of expectations for all students. The data may include the results



of ISTEP tests under IC 20-10.1-16, local tests, classroom work, and teacher and administrator observations.

(2) A procedure for using collected data to make decisions.

(3) A method of evaluation in terms of educator's practice and student learning, including standards for effective teaching and effective professional development.

(o) A school qualifies for a grant from the department when the school's program, developed and submitted under this section, is approved by the board upon recommendation of the department. For purposes of determining whether a school qualifies for a grant under this chapter, the department shall:

(1) review;

(2) suggest changes to; and

(3) recommend approval or rejection of;

a school's program.

(p) A school must use a grant received under this section to implement all or part of the school's program by funding activities that may include the following:

(1) Partnership programs with other entities, including professional development schools.

(2) Teacher leadership academies, research teams, and study groups.

(3) Workshops, seminars, and site visits.

(4) Cooperative programs with other school corporations.

(5) National board certification for teachers.

(q) A school may contract with private or public sector providers to provide professional development activities under this section.

(r) A grant received under this section:

(1) shall be expended only for the conduct of activities specified in the program; and

(2) shall be coordinated with other professional development programs and expenditures of the school and school corporation.

(s) A school shall report to the department concerning the use of grants received under this chapter. A school that fails to make a report under this section is not eligible for a subsequent grant.

*As added by P.L.221-1999, SEC.2. Amended by P.L.224-2003, SEC.135.*

## **IC 20-1-1-7**

### **Duties of board**

Sec. 7. The state board of education shall do the following:

(1) Establish the educational goals of the state, developing standards and objectives for local school corporations.

(2) Assess the attainment of the established goals.

(3) Assure compliance with established standards and objectives.

(4) Make recommendations to the governor and general assembly on the educational needs of the state including financial needs.

*As added by P.L.20-1984, SEC.25.*

#### **IC 20-1-1-8**

##### **Declaration of policy**

Sec. 8. The Indiana state board of education shall act under IC 20-5-62 to establish a freeway school corporation and a freeway school.

*As added by P.L.196-1995, SEC.1.*

#### **IC 20-1-1-9**

##### **Construction, alteration, or repair of school buildings**

Sec. 9. The Indiana state board of education may not approve or disapprove plans and specifications for the construction, alteration, or repair of school buildings, except as necessary under the following:

- (1) The terms of a federal grant or a federal law.
- (2) IC 20-1-6-5 concerning the authorization of a special school for children with disabilities.

*As added by P.L.152-1996, SEC.2.*